

HEALTH PROTECTION

09.4 HEALTH PROTECTION AND DISEASE

09.4 Health Protection and Disease

As enabled by MGL 111 s 31, the Board of health may make reasonable health regulations for the protection of individual health, public health, animal health, food and drugs, habitation conditions, nuisances, food service and environmental protection

09.4.1 Subdivisions

All subdivisions and divisions of land require Board of health review to determine water table location and gradient, and other such prerequisites as the Board determines to be appropriate. Pursuant to MGL c 41 section 81M, subdivision shall mean the division of a tract of land into two (2) or more lots and shall include re-subdivision. Prior to approval by the Board of health preliminary subdivision or division of land the Board of Health may require multiple deep driven observation or monitoring wells. [See BOH regulation 09.1.3(3)]

09.4.2 Disposal Works Construction Permits for Subdivisions

No Disposal Works Construction Permit shall be issued for any lot created after the approval of the above regulation until said lot has met Board of health criteria found in said regulation. Review by the Board of Health of subdivision and division of land for the possible requirement of multiple deep driven observation or monitoring well(s).

3/27/90

09.4.3 Sandblasting Permit

The following information shall be included on any application for a sandblasting permit:

1. Name of property owner where sandblasting will occur.
2. Location of property where sandblasting will occur.
3. Distance to abutting properties.
4. Sandblasting company name.
5. Sandblasting company address.
6. Date Sandblasting will occur.
7. What is being sandblasted?
8. Type of material being sandblasted?
9. Does material meet EP toxicity safe levels?
10. Product being used to sandblast?
11. Will product for sandblasting be free-silica?
12. Will sandblasting take place indoors?
13. Will shrouding be used during sandblasting?
14. Where will fallout material sandblasted be disposed?
15. What is the amount and nature of residue dust?
16. Will tarps be used to collect fallout?
17. Will project meet DEP noise pollution standards (310 CMR 7)?

FEES:

Year-round permit \$100.00 (Single location, multi-job)

Individual permit \$25.00 (Per job)

Each job must file individual application information

3/27/90

09.4.4 Prohibition of the Sale of Formaldehyde

No holding tank additive/deodorizer containing formaldehyde shall be allowed for sale in the Town of Tisbury. This regulation is inclusive for boat and marina, as well as motor home and recreational vehicles, and any other like kind product containing formaldehyde.

09.4.5 Discharge of Formaldehyde

The discharge of boat pump-out or recreational vehicle pump-out containing formaldehyde treatment chemical will not be accepted into the Tisbury septic facility.

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09.4.6 Lead Regulation

Before any painting or renovating of any building in the Town of Tisbury constructed prior to 1978 is commenced a lead paint determination by a licensed certified lead paint inspector or licensed certified code enforcement officer must be performed and filed with the Tisbury Board of Health. this inspection must be obtained or verified by any person performing any of the above mentioned work. The Division of Labor and Industrial Safety, 454 CMR 22.00, regulates the removal, covering, or replacement of paint, plaster, or other material containing dangerous levels of lead and must be adhered to. Failure to comply with Board of Health Regulation 90.4.6, health Protection and Disease, may result in a fine of \$500.00 pursuant to MGL 111 s 31.

09.4.7 Fuel Storage or Hazardous Substances

For the protection of coastal waters, ground waters and surface water from contamination caused by the possible intrusion of substances from leaking underground storage tanks or vessels containing liquid fuel or other hazardous substances, the Board of Health shall make regulations for the inspection of underground storage tanks and for testing, when necessary, to determine if liquids are escaping into the soil or water with a potential to create a public or environmental hazard. (Note: By-law section 48, 1980)

Zoning By-law 04.05 regulates fuel storage within the R3A District. MGL 148 s 38 of the Board of Fire Prevention regulators shall make rules and regulations governing the construction, use and maintenance of tanks for storage of fluids. MGL 148 s 38A – No underground tank which has been used for the keeping or storage of gasoline shall be removed or relocated unless a permit therefore shall first have been obtained from the State Fire Marshall.

Definition of Hazardous Substance – Any element, compound or mixture, which is known to be dangerous, or noxious, whether by contact, ingestion, inhalation or absorption. The term includes, but is not limited to petroleum and petroleum products.

The Board of Health shall investigate into any nuisance, source of filth, cause of sickness within the Town or on board vessels within the harbor if in its opinion they may be injurious to the public health. Liquid fuel or other hazardous substances, whether located above or below ground shall be examined into if it is suspected that such material is leaking into the soil, groundwater or surface waters.

If a site visit by the Board of Health or its agent(s) does not satisfactorily determine that such materials are or are not leaking then the Board of Health may require testing for detection by a recognized fuel leak inspector at the property owner's expense.

Notification: Owners of existing underground storage tanks must file a notification form with the Massachusetts Department of Public Safety (DPS). This requirement includes buried tanks that have been taken out of service since January 1, 1974. The owners of new tanks must file the form within thirty (30) days after it is brought into use.

The Board of Health or its agent(s) may require proof of filing notification with the DPS.

Penalty for violation of this regulation is \$200.00. Each day will be considered a separate offense.

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09.4.8 Unsanitary Maintenance of Public Access/Facilities

As authorized by Statute Ch 111 s 31 the Board of health promulgates reasonable standards and requirements for the protection of the public and environment. If it appears or is reported to the Board of Health that any act, neglect or fault in relation to any drain, water closet, earth closet, privy, ash pit, water supply, nuisance or other matter in any public facility and/or public access area exists, the Board of Health will issue warning and twenty-four (24) hour correction order. Failure to correct the violation within 24 hours will result in a non-compliance fine of \$50.00. Each day the violation continues constitutes a separate offense. (MGL 149 s 136)

3/19/91

09.4.9 Violation of Sanitary Code – Human Habitation

Violation of the minimum sanitation standards for fitness and human habitation as adopted and described in 105 CMR 410 of the State Sanitary Code – Title 2, can be resolved by Board of Health decree via the non-criminal disposition. Said violations will be resolved by the fine schedule adopted under 09.0.7. The adoption of this regulation does not preclude the person or persons charged with the right to a hearing as described in 105 CMR 410.850 or decision appeal as described in 105 CMR 410.860. Nor does the adoption of this regulation preclude the Board of health of its right to proceed with said violation(s) through criminal penalties as described in MGL 11 s 127A.

09.4.10 Living Aboard Boats in Marinas

In order to protect the public health, water quality in the lakes and ponds, shellfish beds and the shellfishing industry, no person shall be allowed to stay on boats overnight at any marina in the lakes and ponds within the Town of Tisbury. Marinas in the harbor are exempt from this regulation due to the volume of water in the harbor. violation of this regulation will result in a fine of not less than \$100.00 nor more than \$300.00 per boat and each day that the violation continues shall constitute a separate offense.